

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-4, 6-11, 13-18, 20-25, 27, and 28 are pending in the application, with claims 1, 8, 15, and 22 being the independent claims. Claims 5, 12, 19, and 26 are sought to be canceled without prejudice to or disclaimer of the subject matter therein. Claims 1-3, 6-9, 13-16, 20-23, 27, and 28 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 101

The Office Action rejected claims 15-28 under 35 U.S.C. § 101 as being "directed to non-statutory subject matter." (Office Action at ¶ 5.)

Regarding claims 15-18, 20, and 21, Applicants have amended independent claim 15 to recite (emphasis added):

A computer-based weather and terrestrial vegetation-based method for forecasting renovation and management for a body of water, comprising the steps of:

accessing a database having stored therein data for analyzing the body of water, wherein said database includes weather history data, weather forecast data, terrestrial vegetation history data, terrestrial vegetation forecast data, body of water history data, a list of observable

problems, and a list of fundamental problems, and ***wherein said database is coupled to a computer system***; and

executing ***on the computer system*** a request to analyze the body of water for renovation and management by using said weather history data, said weather forecast data, said terrestrial vegetation history data, said terrestrial vegetation forecast data, and said body of water history data to determine potential problems for the body of water and potential solutions for said potential problems;

wherein said list of observable problems includes information about at least one of a fish activity within the body of water, a density of terrestrial vegetation within a vicinity of the body of water, a taste of the body of water, and an odor of the body of water; and

wherein said list of fundamental problems includes information about at least one of a density of nutrients within a soil within said vicinity of said body of water and a distribution of thermal energy within said body of water.

Independent claim 15, as amended, more precisely recites that its elements affect, effect, or are effected by technology. Claims 16-18, 20, and 21 depend directly or indirectly from claim 15. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw his rejections of claims 15-18, 20, and 21 under 35 U.S.C. § 101.

Regarding claim 19, Applicants have canceled this claim without prejudice to or disclaimer of the subject matter therein, thereby rendering this rejection moot.

Regarding claims 22-25, 27, and 28, Applicants have amended independent claim 22 to recite (emphasis added):

A computer-based terrestrial vegetation-based method for forecasting renovation and management for a body of water, comprising the steps of:
accessing a database having stored therein data for analyzing the body of water, wherein said database includes at least one of terrestrial vegetation history data, terrestrial vegetation forecast data, body of water history data, a list of observable problems, a list of fundamental problems, and a list of solutions, and ***wherein said database is coupled to a computer system***;

receiving ***on the computer system*** a request to analyze the body of water for renovation and management; and

executing ***on the computer system*** said request by using at least one of said terrestrial vegetation history data, said terrestrial vegetation forecast data, said body of water history data, said list of problems, and said list of solutions to determine potential problems for the body of water and potential solutions for said potential problems;

wherein said list of observable problems includes information about at least one of a fish activity within the body of water, a density of terrestrial vegetation within a vicinity of the body of water, a taste of the body of water, and an odor of the body of water; and

wherein said list of fundamental problems includes information about at least one of a density of nutrients within a soil within said vicinity of said body of water and a distribution of thermal energy within said body of water.

Independent claim 22, as amended, more precisely recites that its elements affect, effect, or are effected by technology. Claims 23-25, 27, and 28 depend directly or indirectly from claim 22. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw his rejections of claims 22-25, 27, and 28 under 35 U.S.C. § 101.

Regarding claim 26, Applicants have canceled this claim without prejudice to or disclaimer of the subject matter therein, thereby rendering this rejection moot.

Rejections under 35 U.S.C. § 103

The Office Action rejected claims 1-28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,453,216 to McCabe *et al.* (hereinafter "McCabe") in view of U.S. Patent No. 6,397,162 to Ton (hereinafter "Ton").

Regarding claims, 1-4, 6-11, 13-18, 20-25, 27, and 28, Applicants traverse these rejections. Amended independent claim 1 recites, *inter alia*, (emphasis added):

wherein said list of observable problems includes information about at least one of ***a fish activity within the body of water, a density of***

terrestrial vegetation within a vicinity of the body of water, a taste of the body of water, and an odor of the body of water; and

wherein said list of fundamental problems includes information about at least one of ***a density of nutrients within a soil within said vicinity of the body of water and a distribution of thermal energy within the body of water.***

Independent claims 8, 15, and 22 have been similarly amended. Neither McCabe nor Ton teaches or suggests these features. Therefore, claims 1, 8, 15, and 22 are patentable over McCabe in view of Ton. Likewise, claims 2-4, 6, 7, 9-11, 13, 14, 16-18, 20, 21, 23-25, 27, and 28, which depend directly or indirectly from claims 1, 8, 15, or 22, are patentable over McCabe in view of Ton, and because of their additional distinctive features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw his rejections of claims 1-4, 6-11, 13-18, 20-25, 27, and 28 under 35 U.S.C. § 103(a).

Regarding claims 5, 12, 19, and 26, Applicants have canceled these claims without prejudice to or disclaimer of the subject matter therein, thereby rendering these rejections moot.

Conclusion

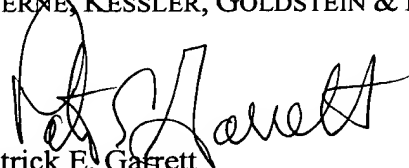
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite

prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "P. E. Garrett", written over the printed name.

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